IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 5352 of 2007(K)

PETITIONER:

MINU MOHAN K., (RANK NO.4757),
D/O.K.A.HARIMOHANAN, 1ST YEAR B.TECH STUDENT,
ELECTRICAL & ELECTRONICS ENGINEERING (EE),
UNIVERSITY COLLEGE OF ENGINEERING (UCE),
THODUPUZHA.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENTS:

1. **THE PRINCIPAL SECRETARY TO GOVERNMENT,**
   HIGHER EDUCATION DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE COMMISSIONER OF ENTRANCE**
   EXAMINATIONS, OFFICE OF THE COMMISSIONER FOR
   ENTRANCE EXAMINATION, THIRUVANANTHAPURAM.

3. **THE REGISTRAR, MAHATMA GANDHI UNIVERSITY, KOTTAYAM.**

4. **THE PRINCIPAL, UNIVERSITY COLLEGE OF**
   ENGINEERING, THODUPUZHA.

5. **JAIN AUGUSTINE, (RANK NO.7373),**
   1ST YEAR B.TECH STUDENT,
   ELECTRONICS & COMMUNICATIONS (EC),
   UNIVERSITY COLLEGE OF ENGINEERING, THODUPUZHA.

6. **JITHU JOY, (RANK NO.5163),**
   1ST YEAR B.TECH STUDENT,
   ELECTRONICS & COMMUNICATIONS (EC),
   UNIVERSITY COLLEGE OF ENGINEERING, THODUPUZHA.

BY ADV. SRI.T.A.SHAJI, SC, M.G.UNIVERSITY
SRI.V.A.MUHAMMED, SC, M.G.UNIVERSITY
SRI.P.V.CHANDRA MOHAN
BY GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007 ALONG WITH WPC NO. 6780 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.5352/2007K

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PRINT OUT SHOWING THE OPTIONS OF THE PETITIONER FOR ADMISSION.**

EXT.P2: **COPY OF THE NEWS ITEM PUBLISHED IN DESABHIMANI DAILY DTD. 5/10/2006.**

EXT.P3: **COPY OF THE NEWS ITEM PUBLISHED IN MALAYALA MANORAMA DAILY DTD. 8/11/2006.**

EXT.P4: **COPY OF THE NEWS ITEM PUBLISHED IN MATHRUBHOOMI DAILY DTD. 9/11/2006.**

EXT.P5: **COPY OF THE NEWS ITEM PUBLISHED IN DESABHIMANI DTD. 9/11/2006.**

EXT.P6: **COPY OF THE LIST OF CANDIDATES SELECTED FOR ADMISSION FOR VARIOUS COURSES IN THE UNIVERSITY COLLEGE OF ENGINEERING, THODUPUZHA.**

EXT.P7: **COPY OF THE JUDGMENT IN WP(C) NO.29832/06.**

EXT.P8: **COPY OF THE COMMUNICATION DTD. 25/01/2007 ISSUED BY THE 2ND RESPONDENT.**

EXT.P9: **COPY OF THE REPLY GIVEN BY THE PETITIONER'S FATHER ON 6/02/2007.**

/TRUE COPY/

KSS

KURIAN JOSEPH J.

W.P.(C) Nos.5352 & 6780 of 2007

Dated 20th June, 2007.

J U D G M E N T

Petitioners are aggrieved since they are not accommodated by the respondent College in the discipline of their choice for the Engineering Courses during 2006-2010. According to the petitioners, they are entitled to have the discipline of their choice, in Electronics and Communications in the case of the petitioner in former writ petition and in Computer Science in the case of the petitioner in the latter writ petition. The respondent college is run by the Mahatma Gandhi University. In the peculiar facts and circumstances of the case, it is submitted that the University has no objection in providing an additional seat to accommodate the petitioners, without disturbing the students already admitted, provided such a course is not objected by the Government or AICTE. Learned Government Pleader submits that AICTE is to sanction the additional strength and that the Government has no objection, since there is no additional financial commitment in the matter. Therefore, without expressing any opinion as to the merits of the case, since this is a

matter to be considered by the AICTE, the writ petition is disposed of as follows :-

In the event of the petitioners approaching the AICTE within ten days from today along with a copy of this judgment and copy of the writ petitions, the matter will be duly considered by the AICTE with the required indulgence in the peculiar facts and circumstances of the case, and also taking note of the fact that the Government and the University have no objection in granting additional seats, and appropriate orders shall be passed, within another one month.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 20th June, 2007.